

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**  
**AND**  
**THE HON'BLE DR JUSTICE SHAMEEM AKTHER**

**Writ Appeal No.226 of 2017 & Writ Petition No.4675 of 2017**

**COMMON JUDGMENT:** (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred by the College in which the respondent-writ petitioner is a student. On the ground that the respondent-writ petitioner did not have the requisite attendance of 75%, during the academic year 2016-17, he was not permitted to appear in the examination.

Sri Tarun G. Reddy, learned counsel for the appellant, would contend that, while the prescribed minimum attendance is 75%, the respondent-writ petitioner had only 46.5% attendance during the academic year 2016-17; even on medical grounds, a student should have a minimum attendance of 65% to appear in the examination; while the respondent-writ petitioner had submitted an application on medical grounds stating that he was undergoing treatment at Hyderabad, his passport shows that he went on holiday to Malaysia for ten days during this period; and, the Learned Single Judge had erred in directing the appellant to permit the respondent-writ petitioner to appear for the examination.

While Sri.Siddhartha Sarma, learned counsel for the respondent-writ petitioner, disputes the fact that the respondent-writ petitioner's attendance is 47.5%, a perusal of the affidavit filed in support of the writ petition shows that, even according to the respondent-writ petitioner, his attendance was 57.06% which is far below the minimum stipulated attendance, even on medical grounds, of 65%.

The Rules and Regulations prescribe the minimum attendance, required for a student to appear in the examination, as 75%, and on medical grounds as 65%. This Court, in proceedings under Article 226 of the Constitution of India, would neither interfere with the stipulation of

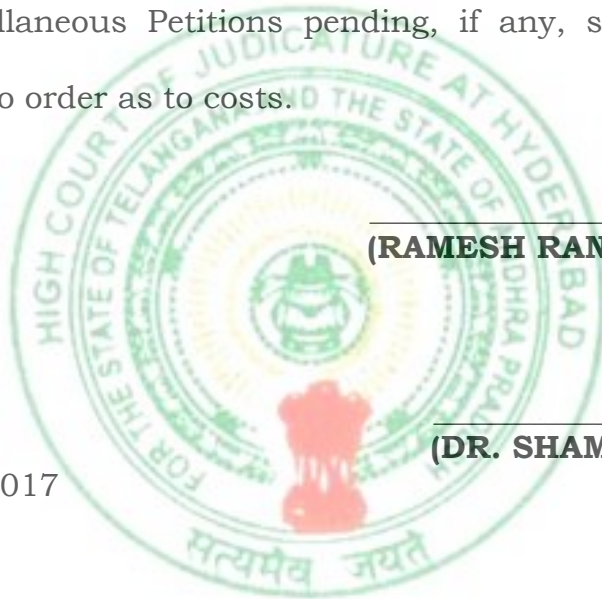
the minimum attendance requirements, nor would it direct the appellant-college to permit a student, who does not have the minimum required attendance, to appear for the examination. The order under appeal is, therefore, set aside.

Sri Ch. Siddhartha Sarma, learned counsel for the respondent-writ petitioner, would submit that, in view of the order now passed by this Court, nothing survives in the writ petition. The Writ Appeal is accordingly disposed of, and the Writ Petition is dismissed as infructuous. It is made clear that this order shall not disable the respondent-writ petitioner from prosecuting his II Year B.Com (Computers) course, in the appellant-college, in the next academic year 2017-18. Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

**(RAMESH RANGANATHAN, ACJ)**

**(DR. SHAMEEM AKTHER, J)**

27<sup>th</sup> February, 2017  
JSU



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**Date: 27.02.2017**

**JSU**